

JC16 Rec'd PCT/PTO 15 FEB 2002

FORM PTO 1390 (REV. 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		825-161
		U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
		10/049690

INTERNATIONAL APPLICATION NO. PCT/EP00/08084	INTERNATIONAL FILING DATE 08/18/2000	PRIORITY DATE CLAIMED 08/18/1999
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TITLE OF INVENTION
AXIAL PISTON DRIVE WITH A CONTINUOUSLY ADJUSTABLE PISTON STROKE

APPLICANT(S) FOR DO/EO/US
THOMAS DIEDEMANN and OTFRIED SCHWARZKOPF

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - ☐ Applicant claims small entity status.
 - ☒ Supplement to Transmittal Letter.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 24pt; font-weight: bold; text-align: center;">10/049690</div>		INTERNATIONAL APPLICATION NO. PCT/EP00/08084		ATTORNEY'S DOCKET NUMBER 825-161	
21. <input type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
<div>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</div> <div>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$ 1,040.00</div> <div>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$ 890.00</div> <div>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$ 740.00</div> <div>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4).. \$ 710.00</div> <div>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims satisfied provisions of PCT Article 33(1)-(4)..... \$ 100.00</div> <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				\$890.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 C.F.R. 1.491(3)). <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30				+130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	10 - 20 =		x \$ 18.00		
Independent Claims	1 - 3 =		x \$ 84.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$280.00			
TOTAL OF ABOVE CALCULATIONS =				\$1020.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =				\$1020.00	
Processing fee of \$130.00 for furnishing the English Translation later than months from the earliest claimed priority date (37 C.F.R. 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				+	
TOTAL NATIONAL FEE =				\$1020.00	
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				+	
TOTAL FEES ENCLOSED =				\$1020.00	
				Amount to be refunded:	
				Charged:	
<div>a. <input checked="" type="checkbox"/> A check in the amount of \$ 1020.00 to cover the above fees is enclosed.</div> <div>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</div> <div>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01.2000. A duplicate copy of this sheet is enclosed.</div> <div>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</div>					
<div>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div>SEND ALL CORRESPONDENCE TO: ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 East Wisconsin Avenue, Suite 1100 Milwaukee, Wisconsin 53202 Phone: (414) 271-7590 Fax: (414) 271-5770</div><div style="text-align: center;"><div> Signature</div><div>GARY A. ESSMANN Name</div></div><div style="text-align: center;"><div>2-15-02 Date</div><div>29.376 Reg. No.</div></div></div>					

U.S. APPLICATION NO. (if known, see CFR 1.5) 10/049690	INTERNATIONAL APPLICATION NO. PCT/EP00/08084	ATTORNEY'S DOCKET NUMBER 825-161
CERTIFICATE OF EXPRESS MAIL		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as EXPRESS MAIL-POST OFFICE TO ADDRESSEE, in an envelope addressed to: BOX PCT, COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231 on the <u>15th</u> day of February, 2002. Express Mail Label <u>EL 812734005 US</u> .		
GARY A. ESSMANN	29,376	
Name	Reg. No.	
<i>Gary A. Essmann</i>	2-15-02	
Signature	Date	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:) AXIAL PISTON DRIVE WITH A
THOMAS TIEDEMANN and) CONTINUOUSLY ADJUSTABLE
OTFRIED SCHWARZKOPF) PISTON STROKE
)

SUPPLEMENT TO TRANSMITTAL LETTER

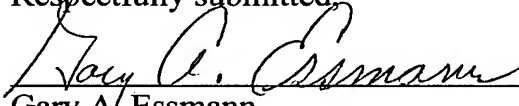
Milwaukee, Wisconsin 53202

Box Patent Application
Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Entry of this application into the National Phase of the United States is pursuant to 37 C.F.R. §1.494(c)/1.495(c). The papers include an English language specification and claims, and the drawings. The oath or declaration of the applicant is not included. The declaration and fee will be forwarded promptly upon notification from the U.S. Patent and Trademark Office.

Respectfully submitted,



Gary A. Essmann
(Reg. No. 29,376)

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
(414) 271-7590
Atty. Docket No. 825-161

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as EXPRESS MAIL - POST OFFICE ADDRESSEE, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the 15th day of February, 2002. The Express Label is EL 812734005US.

Marlene Kubiak

Name



Signature

February 15, 2002

Date